UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

JENS ERIK SORENSEN, Plaintiff, vs. HELEN OF TROY and OXO INTERNATIONAL LTD., Defendant.	CASE NO. 07CV2278 BTM (CAB) ORDER RE: (1) PLAINTIFF'S REQUEST FOR DEFAULT AND (2) DEFENDANT'S MOTION FOR STAY PENDING PATENT REEXAMINATION

For the reasons set forth on the record at the status conference held on February 25, 2008, the Court denies Plaintiff's request for entry of default and grants Defendants 60 days from the date of the status conference to file their answer on behalf of the correct entities served in this action. The Court orders the Clerk of the Court not to enter default pursuant to Plaintiff's request for entry of default. (Docket No. 20.)

Also, for the reasons stated on the record and in the Court's order granting stay in Sorensen v. Black and Decker, 06cv1572, Docket No. 243, the Court also GRANTS without prejudice Defendant's motion for stay. The Court concludes that a reasonable stay is appropriate in this case because the litigation is in its early stages, Plaintiff has not established undue prejudice, and the reexamination will simplify issues for the Court and save expense for the parties. See, e.g., Xerox Corp. v. 3Com Corp., 69 F. Supp. 2d 404, 406 (W.D.N.Y. 1999). However, if it appears that the reexamination will not be effected within a reasonable time, Plaintiff may move to vacate the stay. Additionally, any party may apply to the Court for an exception to the stay if it has specific, valid reasons to believe that it needs to obtain discovery in order to preserve evidence that will otherwise be unavailable after the stay. Defendant is ordered to file a notice informing the Court of the PTO's decision on the pending application for reexamination within 10 days of receipt of such decision.

Finally, during the status conference held on February 25, 2008, the Court discussed with the parties the option of transferring the various cases filed by Plaintiff regarding the '184 patent and initiating a consolidated multi-district litigation proceeding. The parties informed the Court that they would consider the matter and inform the Court of its decision.

IT IS SO ORDERED.

DATED: February 28, 2008

Barry Ted Moskowitz

Honorable Barry Ted Moskowitz
United States District Judge